

REMARKS

Amendments to the claims

Claim 17 has been cancelled and claim 1 has been amended to recite the subject matter of cancelled claim 17. The language of claim 1 has further been clarified.

Claim 2 has been rewritten in the active form and its language has been clarified.

The language of claim 4 has been clarified, and the language of claims 9-16 has been amended consistently with the amendments of the language of claim 1.

Claim 33 has been cancelled and claim 18 has been amended to recite the subject matter of cancelled claim 33. The language of claim 18 has further been clarified.

The language of claim 19 and 24 has been clarified, and the language of claims 25-32 has been amended consistently with the amendments of the language of claim 18.

All amendments are made without prejudice, and Applicants expressly reserve the right to reintroduce any cancelled feature or claim in the present application or in any derivative thereof.

No new matter has been added.

Double Patenting

Claims 1-3, 5-20 and 22-23 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-5, 12-15, 17-26, 28-29, 37-39 and 41-49 of the copending application No 10/635940. Applicants respectfully disagree and note that the Examiner acknowledges that the conflicting claims are not identical. Applicants further note that the amendments to the claims submitted in the present response differentiate the claims even further.

Rejection under 35 U.S.C. 102

Claims 1-8, 15-24 and 31-33 stand rejected under 35 U.S.C. 102(e) as being anticipated

by U.S. Patent No. 6,539,393 to Kabala. Applicants respectfully disagree.

Claim 1

Applicants note that claim 1 has been amended to recite "*using data about the aggregated markers of multiple locations to provide an information item relevant to use of the space to a further user moving through the space*". Kabala teaches using ID signals received in multiple locations to create a database that, as noted by the Examiner, allows observing and recording the impact on traffic flow of changes in products, positioning of the products or promotional displays in the monitored environment (column 7, lines 63-67). However, Applicants note that Kabala does not teach or suggest providing the above information database to a further user moving through the monitored environment. Accordingly, Applicants submit that Kabala cannot be deemed to disclose or suggest a method as recited in amended claim 1, and in particular comprising: "*using data about the aggregated markers of multiple locations to provide an information item relevant to use of the space to a further user moving through the space*", and submit that at least in view of the above, claim 1 is patentable over Kabala. Should the Examiner disagree, Applicants respectfully request him to clearly and specifically point out where Kabala discloses this feature in accordance with 37 C.F.R. 1.104(c)2.

Claim 18

Claim 18 has been amended to recite "*a third arrangement comprising a mobile device for enabling a further user in said space to request and be presented with an information item relevant to use of the space, and a data-processing system arranged to use data about the aggregated markers of multiple locations to provide said information item in response to said request*". Applicants submit that the above arguments can be used to show that Kabala does not teach or suggest an apparatus as recited in amended claim 18, and in particular comprising the above-recited feature, and accordingly respectfully submit that claim 18 is patentable over Kabala.

Claims 2-8, 15-17, 19-24 and 31-33

Claims 17 and 33 have been canceled without prejudice. Claims 2-8 and 15-16

depend directly or indirectly on claim 1, and claims 19-24 and 31-32 depend directly or indirectly on claim 18. Applicants submit that at least in view of their dependency on claims 1 or 18, claims 2-8, 15-16, 19-24 and 31-32 are patentable over Kabala.

Rejection under 35 U.S.C. 103

Claims 9 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala in view of published U.S. Patent Application No. 20020165731 to Dempsey and claims 10-14 and 26-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala in view of published U.S. Patent Application No. 20020174021 to Chu. Applicants respectfully disagree.

Claim 9

Claim 9 depends on claim 1. Applicants submit that the Examiner has failed to show that Dempsey discloses or suggests a method comprising "*using data about the aggregated markers of multiple locations to provide an information item relevant to use of the space to a further user moving through the space*". Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Dempsey would have led one of ordinary skill in the art to a method as recited in claim 1, and in particular comprising "*using data about the aggregated markers of multiple locations to provide an information item relevant to use of the space to a further user moving through the space*". In view of the above, Applicants respectfully submit that claim 1 is patentable over Kabala in view of Dempsey, and submit that at least in view of its dependency on claim 1, claim 9 is patentable over Kabala in view of Dempsey.

Claim 25

Claim 25 depends on claim 18. Applicants submit that the Examiner has failed to show that Dempsey discloses or suggests an apparatus comprising "*a third arrangement comprising a mobile device for enabling a further user in said space to request and be presented with an information item relevant to use of the space, and a data-processing system arranged to use data about the aggregated markers of multiple locations to provide said information item in response*

to said request". Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Dempsey would have led one of ordinary skill in the art to an apparatus as recited in claim 18, and in particular comprising "a third arrangement comprising a mobile device for enabling a further user in said space to request and be presented with an information item relevant to use of the space, and a data-processing system arranged to use data about the aggregated markers of multiple locations to provide said information item in response to said request". In view of the above, Applicants respectfully submit that claim 18 is patentable over Kabala in view of Dempsey, and submit that at least in view of its dependency on claim 18, claim 25 is patentable over Kabala in view of Dempsey.

Claims 10-14

Claims 10-14 depend on claim 1. Applicants submit that the Examiner has failed to show that Chu discloses or suggests a method comprising "*using data about the aggregated markers of multiple locations to provide an information item relevant to use of the space to a further user moving through the space*". Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Chu would have led one of ordinary skill in the art to a method as recited in claim 1, and in particular comprising "*using data about the aggregated markers of multiple locations to provide an information item relevant to use of the space to a further user moving through the space*". In view of the above, Applicants respectfully submit that claim 1 is patentable over Kabala in view of Chu, and submit that at least in view of their dependency on claim 1, claims 10-14 are patentable over Kabala in view of Chu.

Claims 26-30

Claims 26-30 depend on claim 18. Applicants submit that the Examiner has failed to show that Chu discloses or suggests an apparatus comprising "*a third arrangement comprising a mobile device for enabling a further user in said space to request and be presented with an information item relevant to use of the space, and a data-processing system arranged to use data about the aggregated markers of multiple locations to provide said information item in response to said request*". Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala and Chu would have led one of ordinary skill in the art to an

apparatus as recited in claim 18, and in particular comprising "*a third arrangement comprising a mobile device for enabling a further user in said space to request and be presented with an information item relevant to use of the space, and a data-processing system arranged to use data about the aggregated markers of multiple locations to provide said information item in response to said request*". In view of the above, Applicants respectfully submit that claim 18 is patentable over Kabala in view of Chu, and submit that at least in view of their dependency on claim 18, claims 26-30 are patentable over Kabala in view of Chu.

* * *

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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(Date of Transmission)

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